

MDE-SERV Meeting



May 02, 2016

Table 1: WMA Staffing as of April 21, 2016

	Total Number of Budgeted Positions	Number of Current Vacancies	Number of Vacancies Approved for Filling
Director's Office	15	1	0
Operational Services and Administration	9	0	0
Compliance Program	65	13	6
Sediment, Stormwater and Dam Safety	34.5	7	5
Wastewater Permits	41	7	3
Water Supply	47.5	7	5
Wetlands and Waterways	56.5	7.5	3.5
Total	268.5	42.5	22.5

Table 2: State Application Requirements (Continued on Next Slide)

Application Requirements	Actions
<i>Letter from Governor Hogan requesting program approval and formally transmitting the application to EPA</i>	
<i>Description of the scope and structure of the State's program</i>	
<i>Statement by Attorney General Frosh that Maryland's laws and regulations provide adequate legal authority to carry out the program and to meet the applicable requirements of federal law</i>	<p><i>The statutes administered by the Department to regulate nontidal wetlands and waterways must be amended in order for the Attorney General to certify consistency with the Clean Water Act.</i></p> <p><i>Beginning May 2015, drafted legislation to align State statutes with the Clean Water Act (Setzer/AAG May)</i></p> <p><i>Beginning September 2015, conducted four meetings with EPA Region 3 and revised draft legislation based on comments provided by EPA. Revised legislation submitted to EPA Region 3 on 04/15/16.</i></p>

Table 2: State Application Requirements (Continued on Next Slide)

<i>Application Requirements</i>	<i>Actions</i>
<i>Memorandum of Agreement with the Regional Administrator setting out the State and federal responsibilities for program administration and enforcement</i>	<i>Memorandum of Agreement drafted by MDE. No discussions/negotiations to date. Meetings deferred until State statutes/regulations are consistent with Clean Water Act.</i>
<i>Memorandum of Agreement with the Secretary of the Army describing (1) Waters of the United States which the USACE retains jurisdiction and (2) Procedures to transfer pending 404 permit applications and other relevant information to the State</i>	<i>Memorandum of Agreement drafted by MDE. Meeting on 12/08/15 to discuss waters retained by the USACE, including adjacent wetlands. No additional discussions/negotiations to date.</i>
<i>Copies of all applicable State statutes and regulations, including those governing applicable State administrative procedures.</i>	<i>Copies of statutes provided to EPA Headquarters and Region III on 07/24/15 in order to initiate pre-application review.</i>

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Table 3: Restoration Project Applications **(continued on next slide)**

Approval Type	CY16 Standard	TOTAL Number of Pending Applications Associated with Restoration Projects, Including All Projects Associated with TMDL and WIP Requirements	Number of Pending Applications Associated with Restoration Projects, Including All Projects Associated with TMDL and WIP Requirements, THAT ARE OVERDUE
Nontidal Wetlands and Waterway Construction	90 days for restoration projects when no public hearing requested	10	0
	8 months for minor projects	0	0
	12 months for major projects	9	0

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Tidal Wetland Licenses and Permits	90 days for minor projects	0	0
	8 months for major projects	0	0
	11 months for major projects with a public informational hearing	1	1

Table 4: Wetlands Permit Application Turnaround Performance, January-March 2016 (continued on next slide)

1. Approval Type	2. CY16 Standard	3. Target Minimum Percentage	4. Number of Decisions Issued, Jan-Mar 2016	5. Number of Decisions Issued Within Standards, Jan-Mar 2016	6. Number of Applications Currently Pending Longer Than Standard Time
Nontidal Wetlands and Waterway Construction	90 days for restoration projects when no public hearing requested	90%	3	3 (100%)	0
	8 months for minor projects	90%	183	174 (95%)	4
	12 months for major projects	90%	17	14 (82%)	2

Table 4: Wetlands Permit Application Turnaround Performance, January-March 2016

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Tidal Wetland Licenses and Permits	90 days for minor projects	100%	231	220 (95%)	12
	8 months for major projects	90%	28	24 (86%)	12
	11 months for major projects with a public informational hearing	90%	0	0	0

Table 5: Pending Wetlands Applications

	1/22/2013		1/23/2014		7/20/15		4/21/16			
	Total Pending	Percent Overdue	Active Applications							
									Total Pending	Percent Overdue
Nontidal	381	39%	373	28%	323	28%	363	14%	290	2%
Tidal	195	16%	204	21%	233	25%	290	14%	278	9%
Totals	576	31%	577	25%	556	27%	653	14%	568	6%

Table 6: Nontidal Wetlands Permitting Mitigation in the Past 8 Years

1	Number of permits/ authorizations that required permittee mitigation	181
2	For the number in Row 1 – Number of sites to be utilized for construction (Note: Number of Sites Constructed – for Example 5 permits could be combined into 1 construction site)	119
3	Of the number in Row 2 – The actual number of mitigation sites that have been constructed	64
4	Of the number in Row 3 – The actual number of mitigation sites that have been inspected	57
5	Of the number constructed in Row 3, number of sites for which required monitoring reports have been received and are on schedule	54
6	Of the number in Row 3, number of sites confirmed to have achieved satisfactory hydrology and vegetation (Note: Sites constructed in last 3 years – generally have not generated reports)	30
7	Of the number in Row 3, number of sites for which no reports have been received, and also no inspection has occurred (Note: Typically constructed within last one year.)	3

**Table 7: Nontidal Wetlands Gains and Losses,
1/1/91-12/31/15**

	CY91- FY13	FY14	FY15	FY16 through 12/31
Permanent Impacts (loss)	913.60	18.36	19.80	9.91
Permittee Mitigation Required	1016.45	16.27	26.46	7.26
Programmatic Gains Through CBT	0	0	0	0
Other Programmatic Gains if Any	481.42	0	0	0
Other Gains	144.18	Data Not Available	Data Not Available	Data Not Available
Net (gain)	728.45	Pending	Pending	Pending

Table 8: Nontidal Wetlands Compensation Fund Activity, FY13-FY16

	FY13	FY14	FY15	FY16 through 12/31
Starting Fund Balance	2,390,851.49	2,620,173.54	2,858,770.08	2,901,145.85
FY Revenue	325,375.72	293,290.48	100,918.52	71,420.00
FY Expenditures	96,053.67	54,693.94	58,542.75	156,886.83
Ending Fund Balance	2,620,173.54	2,858,770.08	2,901,145.85	2,815,679.02

Table 9: Chesapeake Bay Trust Wetlands Projects

	Last RFP Prior to Spring 2014	Spring 2014 RFP	Spring 2015 RFP
Number of Proposals Received	5	4	4
Number of Projects Selected for Funding	0	2	2
Amount of Funds Encumbered for Selected Projects	0	1,070,354	729,646
Acres of Wetlands Restored	0	10.33 acres pending construction	26.5 acres pending construction
Acres of Wetlands Created	0	0	0
Acres of Wetlands Enhanced	0	60 acres pending construction	0

Table 10: Significant-Hazard Dams in Service in Maryland: EAP Status

		In Unknown, Poor, or Worse Condition	In Better Than Poor Condition
EAP dated 2013 or later on file		6	60
No EAP from 2013 or later on file	Permit requires EAP	2	7
	No permit requirement	14	30

Table 11: High-Hazard Dams in Service in Maryland Without Current EAPs

	1/27/14	2/23/15	1/13/16	4/21/16	
Last EAP update was more than a year ago	NR	38	36	Permit requires EAP	13
				No permit requirement	28
Last EAP update was more than three years ago	31	16	15	Permit requires EAP	4
				No permit requirement	15
Last EAP update was more than five years ago, or no EAP on file	20	13	9	Permit requires EAP	4
				No permit requirement	11

Table 12: Dam Condition Descriptions

GENERAL CONDITION	Description
UNSAFE	<p>Imminent danger of failure.</p> <p>Dam is poorly maintained, obvious signs of distress, seepage, erosion, sinkholes, cracks, slumping, trees, debris, animal burrows, etc.</p> <p>Dam has inadequate spillway capacity (cannot pass current day design storm).</p> <p>Dam pool drained or lowered.</p>
VERY POOR	<p>Poorly maintained, obvious signs of distress, seepage, erosion, sinkholes, cracks, slumping, trees, debris, animal burrows, etc.</p>
POOR	<p>Poorly maintained, erosion, sinkholes, settlement, cracking, small trees, animal burrows, etc. Drain gates inoperable. Maintenance work is needed.</p>
FAIR	<p>Dam embankment needs mowing or other minor repairs, concrete spalling or cracking.</p>
GOOD	<p>Dam is well maintained, no obvious distress or problems, no trees, etc. Gates are operable.</p>

Table 13: Facilities Operating on Administratively-Extended WMA Permits

	Target	6/21/10	11/19/12	11/25/13	10/16/14	7/16/15	10/8/15	1/13/16	4/21/16
Surface Discharge Permit Major Facilities	10%	22% (19/85)	7 % (6/86)	15% (13/86)	14% (12/86)	31% (24/77)	51% (46/90)	49% (44/90)	46% (41/90)
Surface Discharge Major & Minor Facilities	10%	Not request ed	13.4% (73/544)	15% (80/520)	19% (97/502)	25% (119/473)	29% (137/473)	32% (150/469)	33% (155/464)
ENR Facilities	10%	13% (10/75)	1% (1/75)	1% (1/75)	1% (1/75)	1% (1/75)	1% (1/75)	1% (1/75)	1% (1/75) Hampstead
Ground-water	20%	23% (54/231)	20.8% (50/240)	21.7% (47/216)	22% (48/218)	21.2% (45/212)	22% (47/210)	22% (46/210)	22% (46/211)
Total Extended			123	127	145	189	194	196	201

Table 14: Extended Major and Minor Discharge Permits

	March 2013	June 2013	November 2013	March 2014	8/8/14	2/23/15	4/6/15	7/16/15	4/21/16
Extended 5-10 years	17	14	13	8	6	5	5	6	6
Extended More than 10 years	9	7	6	5	4	4	4	4	6

Table 15: Discharge Permits Extended More than Ten Years or of Special Concern to EPA for Bay TMDL Purposes (*) (Continued on Next Slide)

Facility	Orig. Exp. Year	10/16/14	4/6/15	7/16/15	4/21/16
Sparrows Point (Baltimore County)	2006				<p>While this is an expired permit, it is also a dismantled steel plant. This is more or less on hold until the redevelopment plans are more clear. We have a draft that has had to be frequently reevaluated. The site is subject to continuing changes: ongoing construction and demolition, changes in ownership, changes in the responsible party(ies), ongoing remedial efforts, significant public interest, etc...</p>

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Facility	Orig. Exp. Year	10/16/14	4/6/15	7/16/15	4/21/16
Valley Proteins (Dorchester County)	2006				<p>Facility requested to expand just as we published a tentative determination. We were going to renew without the expansion and then process the expansion request as a permit modification. However we received a request for an informational meeting on the expansion. That informational meeting was held and revealed there is a property owner in the area that was prepared to sue if the discharge from the facility was not reduced. There is an applicable TMDL, but it was written for the free-flowing portion of the receiving stream and not the impoundment that the stream flows into, which is alleged to also be impaired. We are working to get a final determination for attorneys to review within next 45 days.</p>

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Facility	Orig. Exp. Year	10/16/14	4/6/15	7/16/15	4/21/16
Hampstead WWTP (Carroll County)	1995	Met with Hampstead wastewater and planning staff on to discuss the permit and related issues. Followup conference call planned for Oct 16 th .	Hampstead met with WMA Planning, SSA TMDL, Construction Permitting, and WWPP to discuss details of needed updates to Water and Sewer Plan.	Hampstead has completed their water and sewer plan for the new discharge location. Next step is to receive their permit application for the new location.	Permit informational meeting was held in March. We will publish a tentative determination by the end of May.

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Facility	Orig. Exp. Year	10/16/14	4/6/15	7/16/15	4/21/16
Potomac WWTP (Montgomery County)	2002	Technical meeting scheduled for Oct. 16 th with WSSC.	Significant progress in Consent Decree discussions occurred on March 27 which bode well for further progress on pending permit details.	Same status - progress continues.	Consent Decree was signed by the judge on April 15. We provided a draft permit to the permittee and the citizens and we are reviewing their comments.

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Facility	Orig. Exp. Year	10/16/14	4/6/15	7/16/15	4/21/16
GenOn Faulkner (Charles County)	2002	Permit writer finished 2 nd draft of responses to the comments from the applicant. This draft takes into account input from OAG and WMA Compliance. This draft is currently under review.	Found we needed further input from Compliance program and SSA on several issues. That input was obtained and the draft is being updated to send to NRG.	Published Tentative Permit Determination. Public comment period closes August 15, 2015.	The public hearing was held on July 21, 2015 at which time oral comments on the renewed permit were heard from several speakers. The Department also received written comments from the Potomac Riverkeeper Network and the Fisheries Commission representatives. We are working on addressing these comments and developing our final determination.

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Facility	Orig. Exp. Year	10/16/14	4/6/15	7/16/15	4/21/16
GenOn Westland (Montgomery County)	2000	Same status as GenOn Faulkner above.	Same status as Faulkner.	Same status as Faulkner.	Same status as Faulkner.
Allen Family Foods* (Talbot County)	2010	Determined that groundwater discharge component will be regulated under separate permit to move the surface component forward. The existing permit that is admin. Extended already has the Bay TMDL allocation implemented in the permit.	Draft permit is under review by permittee.	Published Tentative Permit Determination. Public comment period closes August 15, 2015.	This facility is moving to Delaware effective sometime in June. We are trying to get feedback from current permittee on expectations regarding permit renewal.

Table 16: WMA Web Content Updates

	May 19	July 27	October 16	January 13	April 26
Total Web Pages Identified	1729	1729	1656	1656	1817
Pages Reviewed by OC and Overdue for Action by WMA	105	137	200	302	10